

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:14-CV-867-D

GH CRESCENT GREEN INC.,)
)
Plaintiff,)
)
v.)
)
KBS CRESCENT GREEN, LLC,)
)
Defendant.)

ORDER

On November 6, 2014, GH Crescent Green, Inc. (“GHCG” or “plaintiff”), filed a one-count complaint in Wake County Superior Court, alleging that defendant, KBS Crescent Green, LLC (“KBS” or “defendant”), committed fraud in relation to a real estate transaction between the two parties. See [D.E. 1-1] 5–9. On December 5, 2014, KBS timely removed the action to this court pursuant to 28 U.S.C. §§ 1332 and 1441 [D.E. 1]. On December 31, 2014, KBS moved to dismiss GHCG’s complaint pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure [D.E. 13] and filed a supporting memorandum [D.E. 14]. On January 21, 2015, GHCG responded in opposition [D.E. 16]. On February 5, 2015, KBS replied [D.E. 17].

After reviewing the complaint, the attached documents, the parties’ memoranda, and the governing legal standard, the court finds that plaintiff’s complaint ekes across the line to plausibly state a claim upon which relief may be granted. See, e.g., Fed. R. Civ. P. 9(b), 12(b)(6); Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009); Bell Atl. Corp. v. Twombly, 550 U.S. 544, 570 (2007); Coleman v. Md. Court of Appeals, 626 F.3d 187, 190 (4th Cir. 2010), aff’d, 132 S. Ct. 1327 (2012); Giarratano v. Johnson, 521 F.3d 298, 302 (4th Cir. 2008). Whether plaintiff’s fraud claim will

survive a motion for summary judgment is a question for another day.

In sum, the court DENIES defendant's motion to dismiss [D.E. 13].

SO ORDERED. This 20 day of April 2015.



JAMES C. DEVER III
Chief United States District Judge